

By: Capriglione

H.B. No. 1035

A BILL TO BE ENTITLED

AN ACT

relating to the sale of alcoholic beverages in certain areas annexed by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 251.725, Alcoholic Beverage Code, as added by Chapter 463 (H.B. 2735), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 251.725. CHANGE OF STATUS FOR CERTAIN TERRITORY ANNEXED BY MUNICIPALITY. (a) This section applies only to a municipality whose local option status allows for the legal sale of beer and wine for off-premise consumption and for the legal sale of mixed beverages ~~[only]~~ as a result of a local option election on an ~~[the]~~ applicable ballot issue held on or after January 1, 1985.

(b) The governing body of a municipality described by Subsection (a) may adopt an ordinance authorizing the sale of beer and wine for off-premise consumption or mixed beverages for on-premise consumption in an area annexed by the municipality after that election if at the time the ordinance is adopted:

(1) the annexed area is not more than one percent of the total area covered by the municipality;

(2) all of the land in the annexed area is zoned for commercial use only; and

(3) the annexed area is not adjacent to residential, church, or school property.

1           SECTION 2. The change in law made by this Act applies to an  
2 area annexed or acquired by a municipality before, on, or after the  
3 effective date of this Act.

4           SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2017.